

REMARKS/ARGUMENTS

Claims 89-100, 102-104 and 106-107 are active. Minor edits have been made to improve the clarity of the claims and the method claims have been directed to intratumoral administration, which finds support at least in Fig. 4 and on page 10, line 12, of the specification. Claim 98 has been edited for clarity. Claims 101 and 105 have been cancelled. No new matter is believed to have been introduced.

The Applicants respectfully request that this after-final Amendment be entered to place this application in condition for allowance or in better condition for appeal. The proposed amendments do not raise new issues or necessitate a new search by the Examiner, since the amendment is based on elements earlier claimed or inherent in the previously examined claims. Favorable consideration of this Amendment and allowance of this application are now respectfully requested.

Restriction/Election

The Applicants previously elected with traverse **Group I**, claims 18-24, directed to an ISO comprising an octameric CG motif (AACGTTAT). SEQ ID NO: 18, 19 and 47 which were added during prosecution have been deleted from the new claims. The Applicants reserve the right to file a Divisional Application directed to this or any withdrawn subject matter and remind the Office that 35 U.S.C. §121 prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made, or on an application filed as a result of such a requirement, as a reference against any divisional application, MPEP 804.01.

Rejection—35 U.S.C. §112, first paragraph

Claim 101 was rejected under 35 U.S.C. 112, first paragraph, as lacking adequate written description. This rejection is now moot.

Rejection—35 U.S.C. §112, first paragraph

Claims 93 and 104-107 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement. The Applicants thank Examiner Zara for indicating enabled subject matter, i.e. “direct administration” of a stabilized oligonucleotide containing at least one nonmethylated octameric CG motif, see page 4 of the OA. Claim 93 and its dependents have now been limited to intratumoral administration. Accordingly, this rejection may now be withdrawn.

Rejection--Obviousness-type Double Patenting

Claims 89-107 were rejected under the judicially-created doctrine of obviousness-type double patenting over claim 1, 3, 4, and 6-9 of U.S. Patent No. 7,108,844. This issue is now moot in view of the attached terminal disclaimer over U.S. Patent No. 7,108,844.

Notices of References Cited (PTO-892)

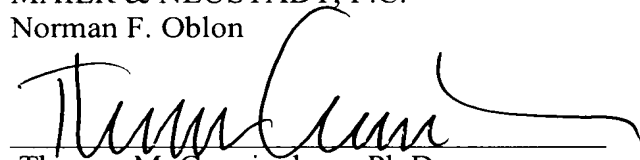
The Applicants respectfully request that Mitchell et al., US Patent 6,280,978, which was applied in the Official Action of June 6, 2008 be formally made of record on form PTO-892.

Conclusion

This application presents allowable subject matter and the Examiner is respectfully requested to pass it to issue. The Examiner is kindly invited to contact the undersigned should a further discussion of the issues or claims be helpful.

Respectfully submitted,

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Norman F. Oblon

A handwritten signature in black ink, appearing to read 'Thomas M. Cunningham', is written over a horizontal line.

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